

**FILED**  
NOV - 9 2007  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

RONALD BAKER,

No. C 07-1080 CW (PR)

Plaintiff,

ORDER CLOSING CASE; REFUNDING  
FILING FEE; INSTRUCTIONS TO CLERK

v.

UNITED STATES OF AMERICA,

Defendant.

Plaintiff Ronald Baker, a federal prisoner currently incarcerated at the Federal Correctional Institution in Terminal Island, California, filed a motion to return property pursuant to Rule 41(g) of the Federal Rules of Criminal Procedure. The Clerk of the Court filed Plaintiff's motion as a new civil rights case. He has paid the full filing fee.

On June 4, 2004, Plaintiff was arrested by the Richmond Police and the Federal Bureau of Investigation (FBI). He alleges the FBI seized \$112,151.00 in cash from the car he was driving.

According to the docket sheet in Plaintiff's federal criminal case, United States v. Baker, Case No. CR 04-40054-01 SBA, Plaintiff plead guilty on June 21, 2005 before the Honorable Saundra Brown Armstrong of this Court to federal drug charges. On September 27, 2005, he was sentenced to 120 months in federal prison followed by five years of supervised release.

Plaintiff is currently serving his federal sentence. He moves the Court for return of \$112,151.00 allegedly seized from him on the day of his arrest, claiming that the FBI violated his due process rights by failing to give him timely notice of forfeiture. It is apparent from the contents of the motion that Plaintiff is

**United States District Court**

For the Northern District of California

*cc: [unclear]*

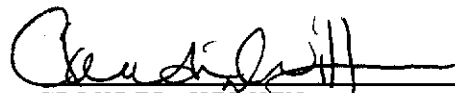
1 challenging the seizure that is related to his 2005 federal  
2 criminal conviction in Case No. CR 04-40054-01 SBA. His motion to  
3 return property pursuant to Rule 41(g) should have been filed in  
4 Case No. CR 04-40054-01 SBA, not as a separate civil action.

5 The Clerk of the Court is instructed to file the motion to  
6 return property in Case No. CR 04-40054-01 SBA, and to provide  
7 chambers copies to Judge Armstrong. The Clerk shall terminate all  
8 pending motions in this new action, and close the new action. As  
9 this civil action was opened in error, Plaintiff is entitled to a  
10 refund of the \$350.00 filing fee.

11 The Court's Financial Office is directed to refund the \$350.00  
12 filing fee in this action -- Case No. C 07-1080 CW (PR) (paid  
13 3/20/07, receipt number 34611004353) -- and to forward a copy of  
14 the refund statement to the Clerk for docketing along with a copy  
15 of this Order.

16 IT IS SO ORDERED.

17 Dated: NOV - 9 2007



CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

RONALD LAMAR BAKER,

Plaintiff,

v.

USA et al,

Defendant.

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Case Number: CV07-01080 CW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 9, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ronald Lamar Baker 93511-011  
FCI Terminal Island  
1299 Seaside Ave.  
Terminal, CA 90731

Dated: November 9, 2007

Richard W. Wieking, Clerk  
By: Clara Pierce, Deputy Clerk